Social Services Appeal Board of Saskatchewan

Annual Report 2007 - 2008

Letter of Transmittal

Honourable Donna Harpauer
Minister of Social Services

Dear Ms. Harpauer:

I hereby respectfully submit the Annual Report of the Social Services Appeal Board for the one year period ending March 31, 2008.

Carol Bruce
Chairperson

Preface

The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2007 to March 31, 2008.

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Introduction

The ***Social Services Appeal Board*** is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Saskatchewan Assistance Regulations.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10; The Saskatchewan Assistance Act R.S.S. 1966, Section 14(1)(m)(n), 15-18; the Saskatchewan Assistance Regulations, Section 43.*

Appeals to the ***Social Services Appeal Board*** are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has taken a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the ***Social Services Appeal Board.***

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the department may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, he may investigate the matter and advise the board if he believes the claim to be substantiated.

Members of the Board 2007 -2008

The Chairperson and Board Members are independent of the Ministry of Social Services. Appointments are made by Minister's Order.

Gloria Edwards is the appeal coordinator in Regina.

Pat Rauch is the appeal coordinator in Saskatoon.

Yvonne Brandsema retired as the appeal coordinator in Saskatoon in 2007.

2007	2008
L. Brown Chairperson	C. Bruce Chairperson
R. Fiddler	R. Fiddler
M. Aubichon	M. Aubichon
I. Barr	K. Davis
R. Whitecloud	F. Ozirney
F. Dulmage	L. Coe-Kirkham
J. De Jong	D. Bach
C. Bruce	N. Osborne
K. Davis	R. Bellamy
	C. Puckett
	C. Froehlich
	T. Sterzer
	P. Cooper

This year brought many changes to this board, and I thank the retiring members for their years of dedication and service. It was an honor to serve with this very knowledgeable and devoted group of individuals.

I welcome our new board members, who bring new enthusiasm and a wealth of strengths to call upon. Our board represents all areas of the province and brings a very diverse knowledge base and represent a cross-section of the population.

Location of Hearings

Regional hearings are held by Regional Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five persons. A quorum is three members.

The chairperson attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.

Chairperson's Comments

The 2007-2008 annual report of the Social Services Appeal Board is available on-line at **www.socialservices.gov.sk.ca/07-08-ssappealboard.pdf**

In the 2007-2008 the board received 127 appeal requests. Seven requests were denied and six requests were withdrawn. Some cases with split decisions were appealed by both the client and the Regional Director. Twenty-three meetings were held in Regina and twenty-five meetings were held in Saskatoon.

Decisions favoured clients 18% of the time.

The largest portion of the appeals continues to relate to Section 6(1) (b-e) (22%) of the Saskatchewan Assistance Regulations, but there has been a 10% drop compared to the 2006-2007 annual report.

This year we saw more complex appeals, where multiple and more complex issues were brought before the board. In many cases we were required to make as many as three decisions on a single case.

Fifteen Transitional Employment Allowance appeals (12%) are included in this year's figures. These appeals are conducted by phone and the process appears to be working as people become more familiar with teleconferencing.

This year the board saw a 7% increase in the amount of hearings concerning shelter rates. The board is concerned there does not seem to be enough affordable housing in the province to adequately support disabled persons.

The board is seeing older clients who have been unable to provide for secure retirement. It is becoming increasingly evident the OAS/GIS benefits are not sufficient to meet the needs of individuals who require extra care as they age. In many circumstances family members agree to assist but this is not always possible. Saskatchewan Assistance Plan personal care home rates do not reflect the reality of the market place and lack of any ability to address exceptional cases is very troublesome to the board.

Table 1 - Statistics
Number of Regional and Provincial Appeals
(2001 - 2002 to 2007 - 2008)

April 1 – March 31	Regional	Provincial
2001 – 2002	416	137
2002 – 2003	502	171
2003 – 2004	586	222
2004 - 2005	565	223
2005 – 2006	457	176
2006 – 2007	466	136
2007 – 2008	385	127

Regional numbers do not include denied or withdrawn.

Provincial numbers include 7 denied and 6 withdrawn.

Table 2 - Regional Appeals Location and Disposition 2007 - 2008 Summary by Region

Region	Decision in Favour of Client	Decision in Favour of Director	Total
Southwest	30	85	115
Southeast	1	16	17
Centre	20	71	82
Northeast	21	90	111
Northwest	3	57	60
Total	**75**	**319**	**385**

Note: Totals may not balance because one appeal may result in more than one decision.

Table 3 - Provincial Appeals
Source of Provincial Appeals
2007 - 2008

Region	Appealed by Client	Appealed by Director	Total
Southwest	44	14	58
Southeast	4	0	4
Centre	29	8	37
Northeast	12	1	13
Northwest	14	1	15
Total	**103**	**24**	**127**

Note: 7 requests for appeals were denied
6 appeals were withdrawn
Some cases were appealed by both client and director.

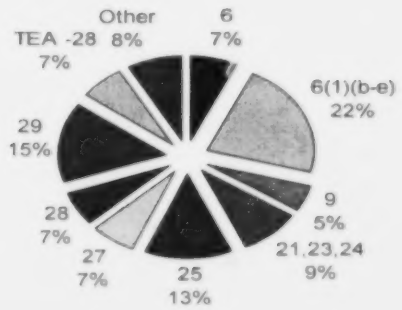
Table 4 - Provincial Appeals Summary by Region 2007 - 2008

Region	Client Sourced Appeals		Director Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Director	Decision Against Director
Southwest	5	34	5	9
Southeast	0	4	0	0
Centre	5	23	5	2
Northeast	0	7	1	0
Northwest	1	10	0	1
Total	**11**	**78**	**11**	**12**

The number of appeals received and the number of decisions is not equal due to denials, withdrawals and split decisions.

Table 5 - Social Services Appeal Board Appeals by Reason

(segments represent the SAP and TEA Regulation appealed)



Reg. 6	• Eligibility for assistance
Reg. 6(1)(b-e)	• Responsibilities of the recipient as a condition of eligibility
Reg. 9	• Determining the amount of assistance
Regs. 21, 23, 24	• Changes in the amount of assistance
Reg.25	• Allowance amounts: basic needs, shelter, utilities, personal, food.
Reg. 27	• Special needs
Reg. 28	• Financial resources and exempt income
Reg. 29	• Determining financial resources
TEA – Reg. 28	• Responsibility of the recipient as a condition of eligibility
Other	**Social Assistance Program** • Common-law • Method of determining budget deficit or surplus • Determining eligibility **Transitional Employment Allowance** • Determining financial resources

Table 6 - Appeal Board Meetings Provincial Appeals Heard in Regina and Saskatoon

2003–2004 to 2007-2008

	Regina Meetings	Cases Heard	Saskatoon Meetings	Cases Heard
2003 – 2004	27	89	33	108
2004 – 2005	30	79	32	103
2005 – 2006	29	77	27	78
2006 – 2007	21	56	27	66
2007 – 2008	23	53	25	59

Table 7 - The Provincial Ombudsman

Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Ministry of Social Services will also be advised. The Ministry may then initiate action which satisfies the client.

Statistics for 2006 – 2007

Cases Opened	Cases Closed	Not Substantiated	Substantiated & Rectified	Substantiated & Unresolved	Discontinued
3	4	4	0	0	0

The Provincial Ombudsman has changed the reporting procedure to more accurately report the outcomes of the investigations. This will be the new reporting format for the Social Services Appeal Board and all Saskatchewan government agencies.

Statistics for 2007 – 2008

FILES ISSUES

Initial Support	Referral Assistance	Situation Improved	Resolved	Not Resolved	Other	Total Issues Closed	Discontinued
2	0	1	5	4	4	14	10

Cases Outstanding March 31, 2006	12
Cases Outstanding March 31, 2007	10
Cases Outstanding March 31, 2008	2